

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROGER ANDREW HARTLEY,

Plaintiff,

v.

D. BRIGHT, et al.,

Defendants.

Case No. 23-cv-00767 BLF (PR)

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

(Docket No. 3)

Plaintiff, a state prisoner, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against prison officials and medical personnel at Salinas Valley State Prison (“SVSP”), where he is currently confined, and the Director of the California Correctional Health Care Services (“CCHCS”). Dkt. No. 2-3. The Court denied Plaintiff’s motion for leave to proceed *in forma pauperis*, Dkt. No. 2, such that the full filing fee is currently due by July 28, 2023. Dkt. No. 5.


Along with the complaint, Plaintiff filed a motion to appoint counsel based on his “learning and communication disability” due to dyslexia. Dkt. No. 3. There is no constitutional right to counsel in a civil case unless an indigent litigant may lose his physical liberty if he loses the litigation. *See Lassiter v. Dep’t of Social Services*, 452 U.S. 18, 25 (1981); *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997) (no constitutional

right to counsel in § 1983 action), *withdrawn in part on other grounds on reh'g en banc*, 154 F.3d 952 (9th Cir. 1998) (en banc). The decision to request counsel to represent an indigent litigant under § 1915 is within “the sound discretion of the trial court and is granted only in exceptional circumstances.” *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). Here, Plaintiff’s allegation that dyslexia constitutes a disability and warrants appointment of counsel is not persuasive. The Court notes that the motion is clearly written and well presented, which does not indicate that Plaintiff’s dyslexia has hindered his ability to actively litigate this matter. Accordingly, the motion is **DENIED** for lack of exceptional circumstances. *See Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004); *Rand*, 113 F.3d at 1525 (9th Cir. 1997); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

This order terminates Docket No. 3.

IT IS SO ORDERED.

Dated: July 21, 2023


BETH LABSON FREEMAN
United States District Judge